

# APPENDIX III

**SAMPLE: Assurance of Compliance  
Under Title VI of the  
Civil Rights Act of 1964**

\_\_\_\_\_  
Name of Applicant (Hereinafter called "The Applicant.")

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of \_\_\_\_\_, Department of Justice (28 CFR Parts 42 & 50), the Tennessee Department of \_\_\_\_\_, and any directives or regulations issued pursuant to that Act and the Regulations, to the effect that, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity for which the Applicant received Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grant or donation of Federal property and interest in property, the detail of Federal personnel, the sale and lease of, and the permission to use, Federal property or interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the Applicant by the Department.

BY ACCEPTING THIS ASSURANCE, the applicant agrees to compile data, maintain records, and submit reports as required to permit effective enforcement of Title VI, and permit authorized Department personnel during normal working hours to review such records, books, and accounts as needed to ascertain compliance with Title VI. If there are any violations of this assurance, the Department shall have the right to seek administrative and/or judicial enforcement of this assurance.

This assurance is binding on the applicant, its successors, transferees, and assignees as long as it receives assistance from the Department. In the case of real property, this assurance is binding for as long as the property is used for a purpose for which this assistance was intended or for the provision of services or benefits similar to those originally intended. In the case of personal property, this assurance applies for as long as the recipient retains ownership or possession of the property. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the applicant.

Dated \_\_\_\_\_

\_\_\_\_\_  
(Applicant)  
By \_\_\_\_\_  
(Title of Authorized Official)

\_\_\_\_\_  
\_\_\_\_\_  
(Address of Applicant)

No further monies or other benefits may be paid out under these programs unless this Assurance is completed and filed as required by existing regulations.

### **Explanation of Sample Assurance Form**

Federal regulations require each agency to obtain an assurance from each applicant for assistance. This document is a recommended sample of such an assurance. Applicants shall obtain comparable written assurances of compliance from their subgrantees, contractors, and subcontractors. See explanation, questions 9 and 12.

#### **1. By executing the assurance, what does an applicant agree to do?**

The applicant agrees to make no distinction on the ground of race, color, or national origin in providing to individuals any service, financial aid, or other benefit under any program receiving federal financial assistance extended to the applicant by the department. The applicant further agrees to provide actual racial/ethnic data of its applicants and participants.

#### **2. What is meant by “distinction on the ground of race, color, or national origin”?**

“Distinction on the ground of race, color, or national origin,” includes (1) any type of segregation, separate or different treatment, or other discrimination on that ground; (2) the imposition of any admission, enrollment quota, eligibility, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit under a program or to be afforded an opportunity to participate in a program, if the race, color, or national origin of individuals is considered in determining whether they meet any such requirement or condition; (3) the use of membership in a group as a basis for the selection of individuals for any purpose, if in selected members of the group there is discrimination on the ground of race, color, or national origin; and (4) the assignment of personnel to provide services, or the assignment of time or places for the provision of services, on the basis of the race, color, or national origin of the individuals to be served.

#### **3. What is meant by “service, financial aid, or other benefit”?**

“Service, financial aid, or other benefit” under a program receiving federal financial assistance includes any assistance made available to individuals (1) with the aid of federal financial assistance, or (2) with the aid of the applicant’s or of other non-federal funds required to be made available for the program as a condition to the receipt of federal financial assistance, or (3) in or through a facility provided with the aid of federal financial assistance or the non-federal matching funds referred to in (2).

#### **4. What requirements are placed on the use of facilities?**

The applicant agrees to make no distinction on the ground of race, color, or national origin, in making available to individuals the use of any land, building, equipment, or other facility leased, acquired, constructed, improved, or equipped with the aid of federal financial assistance extended to the applicant by the department including:

- (a) The use of any room, dormitory, ward, or other space in the facility;
- (b) The use of any equipment or facility;
- (c) The use of any office, waiting room, restroom, eating, recreational, concession, or other accommodation or convenience provided in the facility;
- (d) The use of any facility not provided with the aid of federal financial assistance if the availability of such facility is required as a condition to the receipt of federal financial assistance for the federally-assisted facility.

#### **5. What requirements are placed on the opportunities to participate in a program receiving federal assistance?**

The applicant agrees to make no distinction on the ground of race, color, or national origin in affording opportunities to individuals to participate (other than as employees) in any program receiving federal financial assistance extended by the department to the applicant, including opportunities to participate:

- (a) As providers of service, financial aid, or other benefits;
- (b) As conferees, observers, consultants, advisors, or as members of advisory or planning groups; or
- (c) As volunteers.

#### **6. Does that mean that an applicant who signs the department’s assurance may nevertheless make distinctions among his employees on the basis of race, color, or national origin?**

Title VI of the Civil Rights Act prohibits employment discrimination when it affects the delivery of program benefits or when the purpose of the program is to provide employment. Moreover, even when this is not the case, an applicant may be precluded from engaging in any discriminatory employment practices under the provisions of Title VII of the Civil Rights Act, other civil rights laws, and the merit system requirements.

#### **7. When an applicant’s employment practices are covered by the department’s regulation, which requirements must be met?**

The applicant agrees to make no distinction on the ground of race, color, or national origin, in its employment practices with respect to individuals seeking employment or employed under any program receiving federal financial assistance extended to the applicant by the department.

#### **8. Does the assurance of nondiscrimination apply to the entire operation of an institution?**

Yes, the assurance applies to the entire operation of an institution with certain limited exceptions.

**9. If an applicant intends to make use of other individuals to help carry out the federally-assisted program, does the requirement not to discriminate apply to such a subgrantee, contractor, or subcontractor?**

It does. The applicant must require any individual, organization, or other entity which utilizes, to which it subgrants, or with which it contracts or subcontracts or otherwise arranges to provide services, financial aid, or other benefits under, or to assist it in the conduct of, any program receiving federal financial assistance extended to the applicant by the department, or with which it contracts or otherwise arranges for the use of any facility provided with the aid of federal financial assistance for a purpose for which the federal financial assistance was extended, to comply fully with Title VI of the Civil Rights Act of 1964 and the regulations of the department.

**10. Must this assurance of nondiscrimination by the subgrantee, etc., be in writing?**

In the case (1) of any contractual or other arrangement with another such individual or entity which will continue for an indefinite period or for a period of more than three months, (2) of any subgrant, or (3) of any conveyance, lease, or other transfer of any real property or structures thereon provided with the aid of federal financial assistance extended to the applicant by the department, the applicant shall obtain from such other person, subgrantee, contractor or subcontractor, an agreement, in writing, enforceable by the applicant and by the department, that such other individual or entity, subgrantee, contractor, or subcontractor will carry out its functions under such subgrant, or contractual or other arrangement, or will use the transferred property, as the case may be, in accordance with Title VI of the Act and the department regulations.

**11. What obligation does the applicant have to inform beneficiaries, participants, and others of the provisions of the regulations?**

The applicant must make available to beneficiaries, participants, and other interested persons information regarding the provisions of the department regulations and protections against discrimination provided under Title VI of the Civil Rights Act of 1964.

**12. What obligations does the applicant have to keep records and to make them available to the department?**

The applicant shall keep such records and submit to the department timely, complete, and accurate compliance reports at such times, and in such form, and containing such information as the department may determine to be necessary to ascertain whether the applicant has complied or is complying with the regulations in this part. The applicant shall permit access by authorized employees of this department during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with the regulations in this part. Where any information required of an applicant is in the exclusive possession of any other subgrantee, institution, or person, and this subgrantee, institution, or person shall fail to or refuse to furnish this information, the applicant shall set forth what efforts it has made to obtain the information.

**13. Must separate assurance forms be filed with each application?**

As a general rule once a valid assurance is given it will apply to any further application as long as there is no indication of a failure to comply.